

REMARKS

Claim Rejections - 35 U.S.C. §112

The Examiner has rejected claims 14-17 under 35 USC 112, first paragraph, as failing to comply with the written requirement and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Claims 14-17 have been cancelled and the Applicant respectfully submits that the new claims 18-30 comply with the requirements of both the first and second paragraphs of 35 USC 112.

Claim Rejections - 35 U.S.C. §102

The Examiner has rejected claims 14-17 under 35 USC 102(e) as being anticipated by Merchant et al. (U.S. Patent No. 6,440,849). Claims 14-17 have been cancelled, but the Applicant respectfully submits that the new claims 18-30 are not anticipated by Merchant. Specifically, Merchant does not teach the elements of independent claim 18 of “a metal layer on the dielectric layer, the metal layer comprising a first metal and a second metal, wherein the second metal is present in an amount sufficient to cause precipitation or a phase change in the metal layer and to increase the hardness of the metal layer.” In contrast, Merchant does not want to use an amount of metal dopant that “would cause a second phase or precipitate to appear in the copper microstructure at least at the annealing temperature, and preferably even at room temperature” (Col. 3 lines 17-20.) Also, Merchant fails to teach the element of

independent claim 28 of “a metal layer comprising copper and beryllium.” Therefore, the Applicant respectfully submits that the independent claims 18 and 28, and the dependent claims 19-27 and 29-30 that depend on claims 18 and 28, respectively, are not anticipated by Merchant.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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